IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CHAMBER SUMMONS NO.404 OF 2004
IN
SUIT NO.3613 OF 2004

Industrial Development Bank of India .... Plaintiff
vs.
KND Engineering Technologies Ltd and Anr. ..... Defendant
AND
The Official Liqidator, High Court, Calcutta .... Respondent

K. Parekh i/b. Pragna Thakkar and Co. for the plaintiffs.
Mr. Gupta, O.L. present.

CORAM: S.U. KAMDAR, J.

DATE : 4TH APRIL, 2005.

P.C. :

1. The present chamber summons is totally misconceived. The company is in liquidation. By the order passed by the Calcutta High Court, Official Liquidator, Calcutta has been appointed. The plainiff has to apply for leave under section 446 before the Company Court at Calcutta and only

after the leave is granted that the application for leave to amend can be considered. In view thereof application is dismissed with no order as to costs.

sd/-

****